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23 UNITED STATES DISTRICT COURT  
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
25 SAN FRANCISCO DIVISION

26 AMERICAN FEDERATION OF  
27 GOVERNMENT EMPLOYEES, AFL-CIO, et  
28 al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF EDWARD HUGLER**

**DECLARATION OF EDWARD HUGLER**

I, Edward Hugler, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I joined the Department of Labor in 1978.

3. I served in the Department of Labor for forty years.

4. From 2000 to 2018, I served as Deputy Assistant Secretary for Operations in the Office of the Assistant Secretary for Administration and Management (OASAM).

5. During two periods, in early 2009 and early 2017, I served as the Acting Secretary of Labor until the president's nominees were confirmed.

6. In my role as Deputy Assistant Secretary for Operations, I was the highest ranking career civil servant under the Assistant Secretary for Administration & Management, a political appointee. Part of my portfolio included supervising Human Resources, Security, Field Operations, Business Operations, and Procurement for the Department.

7. In my forty years at the Department, I never executed a Reduction in Force ("RIF"). However, during my tenure, the Department did consider furloughs at times of budget shortfall and I oversaw several draft furlough plans. According to OPM rules, furloughs of more than 30 calendar days are considered RIFs and must follow RIF rules. Though we did not end up executing the furloughs, we did all of the upfront planning and so I am aware of the considerations and requirements of a RIF.

8. In the event of a RIF, it would be my responsibility to oversee the work of the Department's Chief Human Capital Officer (CHCO), who in turn would be the principal career official responsible for managing the RIF.

1           9.       Based on my understanding of RIF rules and the RIF plans I oversaw in my service at  
2 the Department of Labor, failing to follow all the proper procedural steps risks running afoul of  
3 applicable rules and engaging in arbitrary decision-making regarding which positions to cut.

4           10.      The OPM rules are very clear on the steps required for a RIF. Briefly summarized, the  
5 Department must create a competitive area within which employees compete for retention. The  
6 agency must identify employees on the basis of organizational unit and geographical location.

7           11.      Engaging in this detailed and exhaustive process was always considered by the  
8 Department leadership to be a last resort. There are numerous tactical tools to minimize the need for a  
9 RIF, which include detailing employees to other agencies.

10          12.      We considered RIFs to be a blunt instrument. This is in part because, when a RIF  
11 occurs, agency leaders have limited ability to select the specific individuals and roles to retain or  
12 release, which can be important for ensuring ongoing functioning of the Department and fulfillment  
13 of the Department's goals.

14          13.      In the few instances when I was involved in planning a RIF, the process would start  
15 with the Assistant Secretary (a presidential appointee) convening meetings with career professionals  
16 (including the Deputy Assistant Secretary for Operations) to request they put together a plan.

17          14.      Each time I engaged in RIF planning, the Department leadership would then prepare  
18 materials outlining the steps for a RIF. Preparing this document requires participation from many  
19 offices within the Department. It implicates the Budget Center, which must prepare logistics for  
20 severance or early retirement, consulting with OPM to obtain authorities for Voluntary Separation  
21 Incentive Payments and Voluntary Early Retirement Authority. It implicates staffing, which must  
22 plan for terminations and reassignments. Human Resources staff are key expert advisors and  
23 architects of RIF plans. Additionally, Department lawyers advise on key aspects. Key Department  
24 leaders work in close consultation to make such a weighty decision.

1           15.     It is important to note that the Department, not OPM, is responsible for all RIF  
2 decisions, including whether to engage in a RIF at all. According to OPM's Workforce Reshaping  
3 Operations Handbook, "Each agency is responsible for deciding what positions are abolished,  
4 whether a RIF or transfer of function is necessary, and (if applicable) when a RIF will take place."  
5 Handbook, Ch. III.A at 22-3.

6           16.     OPM is not in charge of directing the Department in implementing a RIF. OPM does  
7 not draft the RIF plan, execute the plan, or even approve it. Rather, OPM's role in my experience has  
8 been to simply advise on compliance with existing OPM RIF regulations.

9           17.     Under OPM rules, the Department must establish a retention register for targeted  
10 agency employees based on the four retention factors required by law: (1) Tenure of employment; (2)  
11 Veterans' preference; (3) Total creditable Federal civilian and uniformed service; and (4)  
12 Performance ratings.

13           18.     There is also a notice requirement. The Department must give employees 60 days'  
14 notice of a RIF. It could be reduced to 30 days, if there are extenuating circumstances. For example, a  
15 major budget reduction may warrant initiating the process to reduce the length of the notice  
16 requirement to 30 days. Unions also must receive sufficient notice.

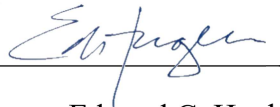
17           19.     Part of my role was to supervise the Department of Labor Chief Human Capital  
18 Officer. The CHCO's job is to construct the RIF plan according to all laws and requirements. I would  
19 request from the CHCO guidance on OPM processes and how to ensure our compliance with all  
20 applicable laws and regulations, as well as the terms of collective bargaining agreements.

21           20.     The Human Resources team would work with the head of an agency to teach them the  
22 relevant steps, such as how to build a retention register and provide employees who have longer  
23 tenure the requisite "bumping" rights. They engage in a collaborative process to evaluate employees  
24 based on the rigid set of factors prescribed by law.

1           21. As described, a RIF involves working across many stakeholders (e.g., agency heads,  
2 Department leadership, HR officials) who often have differing interests and preferences to consider  
3 other, more strategic options. RIFs are not a paper exercise. They are a very complicated process that  
4 take time and resources to get right and properly execute. A RIF requires meaningful consultation  
5 with all the impacted stakeholders, including agency heads and employee unions. RIFs can have  
6 substantial impacts on the ability of the agency to carry out its core functions.

7  
8 In my time with the Department of Labor, RIFs were not a preferred means of staff resources  
9 management but, if we needed to use this tool, we would do so in strict accordance with RIF rules.

10           I declare under penalty of perjury under the laws of the United States that the foregoing is true  
11 and correct. Executed this 30th day of April in Chestertown, MD.

12  
13   
14 \_\_\_\_\_  
15 Edward C. Hugler